

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MR. JASON MOOREHEAD, Plaintiff,	:	
	:	
	:	
v.	:	Civil No. 5:22-cv-03959-JMG
	:	
SCHOOL DISTRICT OF THE CITY OF	:	
ALLENTOWN, <i>et al.</i> ,	:	
Defendants.	:	

ORDER

AND NOW, this 17th day of April, 2023, upon consideration of Defendants’ Motion to Dismiss/Strike (ECF No. 10), Plaintiff’s Response in Opposition (ECF No. 15) and Supplemental Response in Opposition (ECF No. 24), any and all exhibits and attachments thereto, **IT IS HEREBY ORDERED** that Defendants’ Motion (ECF No. 10) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants’ Motion to Dismiss Plaintiff’s employment-based claims for failure to file an appeal to the Secretary of Education for the Commonwealth of Pennsylvania is **DENIED**.

2. Defendants’ Motion to Dismiss all claims against Defendant School District of the City of Allentown pursuant to *Monell* is **DENIED**.

3. Defendants’ Motion to Dismiss Plaintiff’s Individual Capacity and Official Capacity Claims against all Individual Defendants¹ is **GRANTED IN PART** and **DENIED IN PART** as follows:

¹ The term “Individual Defendants” refers to the following Defendants: Thomas Parker, Marilyn Martinez, John D. Stanford, Jennifer Ramos, Anthony Pidgeon, Nancy Wilt, Nicholas Miller, Lisa A. Conover, Phoebe D. Harris, Audrey Mathison, Charles F. Theil, Patrick Palmer, LaTarsha Brown, Jennifer Lynn Ortiz, Cheryl L. Johnson-Watts, Sara J. Brace, and Linda Vega.

a. Defendants' Motion to Dismiss all Official Capacity claims brought against all Individual Defendants is **GRANTED**.

b. Defendants' Motion to Dismiss all Individual Capacity claims brought against all Individual Defendants is **GRANTED IN PART** and **DENIED IN PART** as follows:

i. Defendants' Motion to Dismiss all Individual Capacity claims brought against Defendants Cheryl L. Johnson-Watts, Sara J. Brace, and Linda Vega is **GRANTED**. Defendants Cheryl L. Johnson-Watts, Sara J. Brace, and Linda Vega are **HEREBY TERMINATED** from the instant action.

ii. Defendants' Motion to Dismiss all Individual Capacity claims brought against all remaining Individual Defendants is **DENIED**.

4. Defendants' Motion to Dismiss Count I of the Complaint for First Amendment Retaliation for Expression, Assemble, and Petition for Redress of Grievances is **DENIED**.

5. Defendants' Motion to Dismiss Count II of the Complaint for First Amendment Retaliation for Political Affiliation is **DENIED**.

6. Count III of the Complaint alleging Pennsylvania School Code Section 1122 Violates the US and Pennsylvania Constitutions' Guarantee to Freedom of Expression, Association, Assembly, Petition For Redress of Grievances, and Due Process is **DISMISSED AS MOOT**.

7. Defendants' Motion to Dismiss Count IV of the Complaint, Procedural Due Process, is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. Property Interest Claims

- i. Defendants' Motion to Dismiss Plaintiff's Pre-Deprivation Procedural Due Process claim insofar as it is based on Plaintiff's Suspension With Pay is **GRANTED**.
- ii. Defendants' Motion to Dismiss Plaintiff's Pre-Deprivation Procedural Due Process claim insofar as it is based on Plaintiff's Suspension Without Pay is **DENIED**.
- iii. Defendants' Motion to Dismiss Plaintiff's Post-Deprivation Procedural Due Process claim is **DENIED**.

b. "Plus" Claims

- i. Defendants' Motion to Dismiss Plaintiff's "Stigma-Plus" Procedural Due Process claim is **GRANTED**.
- ii. Defendants' Motion to Dismiss Plaintiff's "Reputation-Plus" Procedural Due Process claim is **DENIED**.

8. Defendants' Motion to Dismiss Count V of the Complaint, Violations of Fourth, Fifth, and Fourteenth Amendments to the United States Constitution for Coerced Statements and Unreasonable Search and Seizure on Behalf of the FBI is **GRANTED**. Count V of the Complaint is **DISMISSED WITHOUT PREJUDICE**.

9. The Court considers Plaintiff's demand for a name-clearing hearing, titled as Count VI of the Complaint, to be a prayer/demand for relief asserted in connection with Plaintiff's "Reputation-Plus" Procedural Due Process claim. Defendants' Motion for Dismissal of this demand for a name-clearing hearing is **DENIED**.

10. Defendants' Motion to Strike is **GRANTED IN PART** and **DENIED IN PART**. The following paragraphs of Plaintiff's Complaint (ECF No. 1-1) are **STRICKEN**: ¶¶ 63; 132;

136; 265; 266; 280; 281; 282; 283; 327; 337; 338; 353; 354; 364; 365; 367; 368; 372; 373; 382;
385; 386; 389; 394; 396; 399; 400; 406; 429; 438; 440; 444; 447; 448; 452; 454; 470.

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge